IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 35156 of 2007(I)

PETITIONER:

R.V.BASHEER,
R.V.TOWER, EAST NADA, GURUVAYOOR.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVANAM,
PATTOM PALACE P.O., THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, KERALA STATE ELECTRICITY
BOARD, GURUVAYOOR.

BY SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 35156 of 2007

Dated, this the 28th day of November, 2007

J U D G M E N T

Pursuant to inspection and detection of alleged unauthorized load petitioner was made to deposit an amount of Rs.1,22,510/- before the Kerala State Electricity Board. The payment was on 03/05/1995. Even though payment was made on 03/11/1995, petitioner challenged the demand only by filing O.P.No. 8214 in 1997. This Court vide Ext.P1 judgment, which is confirmed vide Ext.P2 judgment in writ appeal, held that additional load is for installation of motor for fire fighting equipments and therefore recovery treating the same as unauthorized load is incorrect. This Court, accordingly, ordered refund to the petitioner. Even though refund was ordered, there was no direction to pay interest on the amount so deposited. However, petitioner's case is that interest at 6% is granted after grant of belated refund vide Ext.P5. Neither the Electricity Act nor the Conditions of Supply provides for interest. However, since respondents have granted interest at 6%, I feel petitioner is entitled to interest from the due date on which refund should have been granted pursuant to the judgment. The writ

appeal judgment is dated 17/08/2005. In the normal course, respondents should have implemented the judgment at least in 3-4 months time. In the circumstances, this writ petition is allowed in part directing 2nd respondent to grant interest @ 6% from 01/01/1998 till date of actual grant of refund. It will be open to the respondents to adjust refund due to the petitioner towards interest payable as directed above against the monthly bills raised.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg